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etc. Ry. Co. v. Pomeroy, 67 Tex. 498, 3 S. W. 722. The decision of the principal case is supported by much authority, but the better view would seem to be that indicated above.

PARENT AND CHILD — PERSONS ENTITLED TO CUSTODY OF CHILD. — The paternal grandparents in comfortable circumstances sought to obtain custody of a child from the mother, who had been deserted by her husband and was earning a scant livelihood. *Held*, that they may have it. *Brown v. Brown*, 56 So. 589 (Ala., App. Ct.).

A white widow with two white children married a mulatto. A Children's Home Society asked for custody of the children. *Held*, that it may not have it. *Moon v. Children's Home Society of Virginia*, 72 S. E. 707 (Va.).

In a conflict between the parents as to the right of custody of the child, the early English rule that the father was entitled to it has gradually given way in this country to the sounder principle that the welfare of the child is the most important consideration. *King v. Greenhill*, 4 A. & E. 624; *Turner v. Turner*, 93 Miss. 167, 46 So. 413. See SCHOULER, DOMESTIC RELATIONS, 5 ed., § 248. However, when the dispute is between a parent and an outsider, that should not be the sole test, for just claims of the parent must also be considered; the child has duties as well as rights. Accordingly, by the weight of authority, if the parent is able to give the child proper care and is not positively unsuitable for the trust, he will be given custody of the child, even though another can offer it greater material advantages. *Moore v. Christian*, 56 Miss. 408; *Stapleton v. Poynter*, 111 Ky. 264, 62 S. W. 730. *Contra*, *Wood v. Wood*, 77 N. J. Eq. 593, 77 Atl. 91. The Alabama decision seems, therefore, to neglect the parent's claim, although the entire question is one of discretion, depending on all the facts of the case. The other decision presents a novel form of disadvantage to the child, namely, loss of social position, but, on the principles stated, appears correct. It incidentally holds that remarriage does not deprive a mother of her right to the child. This seems sound, notwithstanding some technical arguments to the contrary. *Beall v. Bibb*, 19 App. D. C. 311. *Contra*, *Worcester v. Marchant*, 14 Pick. (Mass.) 510.

PUBLIC SERVICE COMPANIES — RIGHTS AND DUTIES — DISCRIMINATION BY ELEVATOR ALLOWANCES TO SHIPPERS. — The Interstate Commerce Act permits allowances to shippers for services rendered in transportation. Certain railways, on their through rates, made an allowance to elevator owners at Missouri River points for the transfer in transit of their own as well as other grain. The Interstate Commerce Commission found that the process of elevation was being utilized for cleaning, clipping, mixing, and grading the grain belonging to the elevator owners, as dealers, and forbade further allowances upon such grain unless the treatment during elevation was discontinued. *Held*, that this order exceeds the powers of the commission. *Interstate Commerce Commission v. Duffenbaugh*, 32 Sup. Ct. 22. See NOTES, p. 456.

RECEIVERS — PRIORITY OF RECEIVERS' CERTIFICATES. — The receiver of a steamship company issued certificates and with the proceeds of their sale paid the coupons of the bonds secured by a first mortgage. The funds left in his hands at the final accounting were not sufficient to pay in full both the certificate-holders and the bondholders. *Held*, that the certificate-holders have a prior claim upon the fund. *American Trust Co. v. Metropolitan Steamship Co.*, 190 Fed. 113 (C. C. A., First Circ.). See NOTES, p. 458.

REFORMATION OF INSTRUMENTS — MORTGAGE AFTER FORECLOSURE. — By a mutual mistake, a mortgage described the wrong land. The mortgagee foreclosed and bought in the land, acting under the original mistake. *Held*,